

**TODD M. LEVENTHAL, ESQ.**

Leventhal and Associates, PLLC

Nevada Bar No. 8543

California Bar No. 223577

626 South Third Street

Las Vegas, Nevada 89101

PHONE: (702) 472-8686

[leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)

*Counsel for Jorge Abraham Lomeli-Lopez*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

Case No.: 2:20-mj-00358-EJY

**STIPULATION TO CONTINUE  
INITIAL APPEARANCE**

(Third Request)

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge Abraham Lomeli-Lopez, that the Initial Appearance/Arraignment and Plea currently scheduled for March 25, 2021 at 11:00 a.m. be vacated and set to a date and time convenient to this Court, but no sooner than ninety (90) days.

The Stipulation is entered into for the following reasons:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.

1           3.       The requested time is not for purposes of delay. Mr. Leventhal has had a death  
2 in his family and will not be able to attend the hearing.

3           4.       Additionally, denial of the continuance could result in a miscarriage of justice.  
4 The additional time is excludable in computing the time within which the trial must  
5 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors  
6 outlined in §3161(h)(7)(B)(i), (iv).

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8           This is the Third stipulation to continue the Initial Appearance/Arraignment and  
9 Plea.

10  
11          DATED: March 25, 2021.

12 Submitted By: LEVENTHAL & ASSOCIATES, PLLC

13 By     /s/ Todd M Leventhal      
14 TODD M. LEVENTHAL  
15 Counsel for Defendant

By     /s/ Rachel Kent      
RACHEL KENT  
Assistant United States Attorney

TODD M. LEVENTHAL, ESQ  
Leventhal and Associates, PLLC  
Nevada Bar No. 8543  
California Bar No. 223577  
626 South Third Street  
Las Vegas, Nevada 89101  
PHONE: (702) 472-8686  
[leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)  
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**UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER**

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the  
Court finds that:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.
5. The requested time is not for purposes of delay. Mr. Leventhal has had a death in his family and will not be able to attend the hearing.
3. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must  
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors  
3 outlined in §3161(h)(7)(B)(i), (iv).

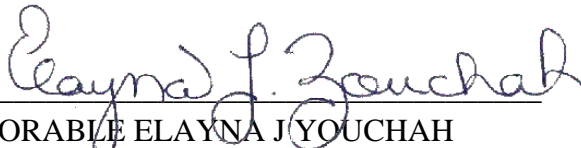
4  
5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting the requested continuance outweigh the best  
7 interest of the public and the defendant in a speedy trial because the failure to grant it would  
8 likely result in a miscarriage of justice. This continuance is excludable under the Speedy  
9 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),  
10 (iv).

11  
12 **ORDER**

13 IT IS FURTHER ORDERED that the Initial Appearance/Arraignment and Plea  
14 currently scheduled for March 25, 2021 at the hour of 11:00 a.m., is vacated and continued to  
15 July 7, 2021 at the hour of 9:00 a.m., in Courtroom 3D.

16 DATED this 25th day of March 2021.

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18 BY:   
19 HONORABLE ELAYNA J. YOUCHAH  
20 United States Magistrate Judge  
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